

07-07-'08 21:28 FROM-Mattingly, Stanger

703-684-1157

T-739 P033/037 F-063

Serial No. 10/541,450

KAS-248

Amendment

Responsive to Office Action dated March 6, 2008

Amendments to the Drawings:

The attached sheets of drawings include changes to FIGS. 7 and 13. These sheets, which include FIGS. 7-8 and 13-14, replace the original sheets including FIGS. 7-8 and 13-14. FIGS. 7 and 13 have been labeled "PRIOR ART".

Attachments: 2 Replacement Sheets

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REMARKS

Pending Claims

Claims 3-14 are pending in this application. Claims 1 and 2 have been canceled without prejudice or disclaimer. Claims 3-8 have been amended. New claims 9 -14 have been added. No new matter has been added.

English Translation of Okui et al reference

As requested by the Examiner, the applicant has prepared a complete English translation of Okui et al. and it is herewith submitted.

Drawings

Figures 7 and 13 have been designated as PRIOR ART.

Specification

The Abstract of the Disclosure has been amended. No new matter has been added.

New Claims

Support for new claims 9-14 is provided with reference to Fig. 9 and page 19, lines 12-28, and page 20, lines 1-2, for example. Pressure sensor 44 as shown in Fig. 9, and page 12, lines 20-22, for example, is included in a first detection means for detecting at least one of a delivery pressure of said hydraulic pump and a driving pressure of said working actuator. Furthermore a pressure sensor 47A is disclosed

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with reference to Fig. 9 and page 27, lines 9-24, for example, and is a means for detecting the operation signal generated from the operation device.

Claim Rejections Under 35 U.S.C. §102

Claim 1 is rejected under 35 U.S.C. §102(b) as being anticipated by Okui et al, JP 3-286045. The claim has been cancelled without prejudice or disclaimer, thereby rendering moot the rejection.

Claim Rejections Under 35 U.S.C. §103

Claims 2, 3 and 5 are rejected under 35 U.S.C. §103(a) as being unpatentable over Okui et al. '045 (Okui). Claim 4 is rejected under 35 U.S.C. §103(a) as being unpatentable over Okui et al '045 (Okui), in view of Okada et al, U.S. Patent No. 5,983,151. Applicants have amended claim 3 to place it in independent form, including the limitations of canceled claims 1 and 2. Reconsideration of the rejection of the claims 3 and 5 is respectfully requested.

Okui is relied upon for disclosing a traveling working machine, a first and second detection means and a prime mover speed control modifying means wherein the target revolution speed of the prime mover is reduced based on operation characteristics determined by the first and second detection means. The Examiner points out that the first detection means 36, as taught by Okui detects an operation state of the actuator by measuring a condition in the actuator line, which condition corresponds to the output signal generated by the operating device. However, as seen from the English translation, it is clarified that Okui discloses that detection means 36 detects the pressure of the hydraulic fluid supplied to the lift arm hydraulic cylinder,

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and therefore does not provide first detecting means further including means for detecting the operation signal generated from the operating device.

More specifically, Okui discloses the technology to increase a lifting force by lowering the engine speed in the combined stall state to reduce the traction force, wherein the output revolution speed of the torque converter 3 and the pressure of the hydraulic fluid supplied to the lift arm hydraulic cylinder 33 are detected by the rotation sensor 35 and the pressure sensor 36, respectively, to detect the combined stall. However, the operation signal from the lift arm operation lever 33 is not detected for adjusting the engine speed. See page 13, lines 2-8, for example, of the translation of Okui. The control circuit 31 has sensor inputs that are the rotational speed sensor 35 for detecting the rotational speed of a propeller shaft 5 and a pressure sensor 36 for detecting an input side pressure of the lift arm hydraulic cylinder 12. Both sensors of the detection means constitute the input to the control circuit (see page 7, lines 9-21). Okui fails to include a detection means that includes means for detecting an operation signal generated from the lift arm operation lever 33. Accordingly, Okui fails to disclose or suggest the invention as set forth in amended claim 3. Therefore, the rejection under 35 U.S.C. §103 should be withdrawn.

Okada is applied in the rejection of dependent claim 4. However, Okada does not overcome the deficiencies noted with respect to Okui. Accordingly, the rejection of claim 4 under 35 U.S.C. §103(a) as being unpatentable over Okui in view of Okada should be withdrawn.

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Allowable Subject Matter

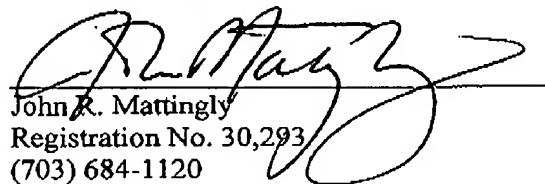
Claims 6-8 have been rewritten in independent form, including all of the limitations of the base claim. Accordingly, each of these claims should now be allowed. New claims 9-14 depend from claims 6-8, and therefore should also be found to be allowable.

Conclusion

In view of the foregoing, Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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